

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodation to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life. We are a city that welcomes all people.

AGENDA CITY COUNCIL MEETING Bonners Ferry City Hall 7232 Main Street 267-3105 July 18, 2023 6:00 pm

Join video Zoom meeting: <https://us02web.zoom.us/j/176727634>

Meeting ID: 176727634

Join by phone: 253-215-8782

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Each speaker will be allowed a maximum of three minutes, unless repeat testimony is requested by the Mayor/Council.

REPORTS

Police/Fire/City Administrator/City Engineer/Urban Renewal District/SPOT/Golf/EDC

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll

NEW BUSINESS

3. **PLANNING & ZONING- {action item}** [attachment] Recommendation by Planning and Zoning for AN06-23 Deliberation only.
4. **CITY- {action item}** [attachment] Consider the draft Memorandum of Agreement from Western Federal Lands (agreement for FLAP grant).
5. **GOLF- {action item}** Consider operational strategy for golf course.
6. **CITY- {action item}** Consider plan with Regence for retiree Medicare program.

ADJOURNMENT

Lisa Ailport

From: toddbatemaninsurance@gmail.com
Sent: Thursday, July 13, 2023 5:23 PM
To: Lisa Ailport
Subject: RE: Group Medicare Retiree Proposal

Hi Lisa,

I have requested the application/contract paperwork from Regence and will send that over as soon as they get that back to me.

Next steps once approved by the council:

- 1) Review and complete the application paperwork.
 - a. Determine the best or most desirable effective date.
- 2) Determine an appropriate communication plan for existing employees and past retirees.
- 3) Host an educational plan review event for eligible retirees and dependents

Additional thoughts on these topics:

- The Regence turnaround time to get the plan active for enrollment is typically 3 months.
 - Ex: If we complete paperwork during July, we will have a choice of starting perhaps as early as 11-1-23.
 - I absolutely support allowing folks to enroll during 2023, but I would realistically expect that most folks already enrolled in Medicare plans would probably wait until 1-1-24 for enrollment since it is so close to the new year. If the council prefers to just begin with a 1-1-24 effective date, that is fine too.
- Once we determine an effective date, I would encourage the city to consider allowing us to send some kind of mailer/notification. (Or if the city wants to send it, we will happily pay for any mailing/postage costs) Mostly this is an effort to notify exiting employees who may be approaching Medicare eligibility and any past retirees of the new retiree plan option offered through by the city.
 - We understand the need to safeguard people's information (names and addresses) so we have had certain organizations prefer to send the notices themselves (using their own letterhead or envelopes, and we have paid to order the envelopes/paper/printing/postage to ensure our promise that this shouldn't have any cost to the city.
- a. In that mailer we would include an invite to an educational plan review meeting. A forum for them to hear about the plan and understand the benefits as well as ask any questions they have. (I will take your suggestions on available spaces...like the room we were in for the council meeting...could we use that?) I usually try to have any notices go out 2-3 weeks before the meeting date(s).
 - i. I'm happy to do multiple meeting dates if that helps
 - ii. The notice would also include my contact info to schedule their own 1:1 appointment/review if they would prefer that over coming to the meeting.
- b. If no mailer is allowed, then I would typically resort to an ad in the paper or social media effort to help try and make the community aware of this option for City employment retirees.

Hope that little overview helps!

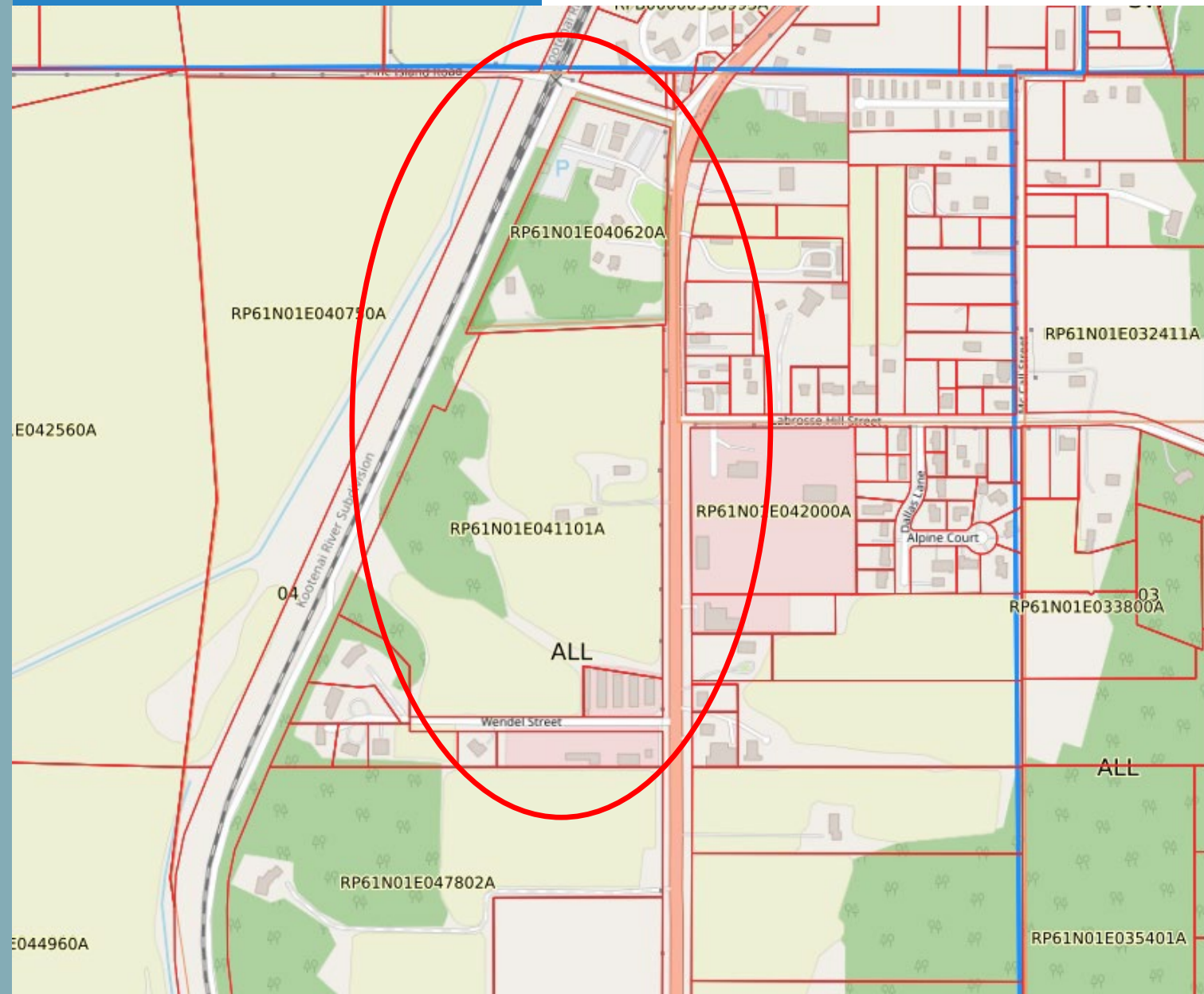
Thanks,

Todd Bateman

208-215-0363

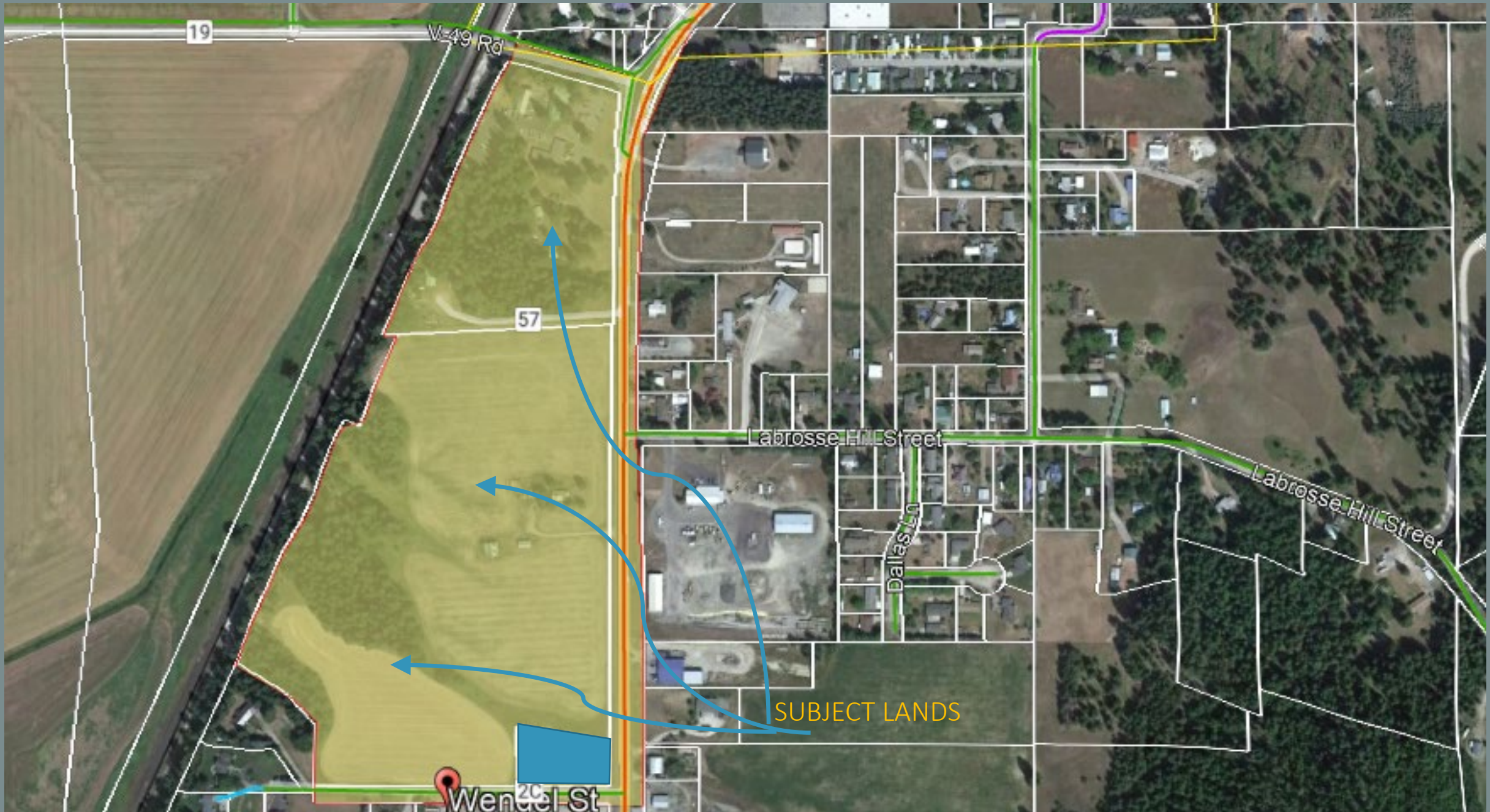
FILE #AN06-23 WEST

ANNEXATION
COMP PLAN &
ZONING MAP
AMENDMENTS



PROJECT SUMMARY

- Voluntary Category A annexation
- 2 properties total about 42.3 acres, plus adjacent public rights-of-way
- Subject properties extend from Pine Island Road, south of city limits, to Wendel Road, west of US 95.
- Cities have the authority to annex state and federal land, but the annexation into the city limits does not alter the state and federal rights granted by state and federal laws to govern their own lands. As a general rule, local land use laws are pre-empted by state and federal governments
- No current development proposals



19

W-49 Rd

57

Labrosse Hill Street

Dallas Ln

Labrosse Hill Street

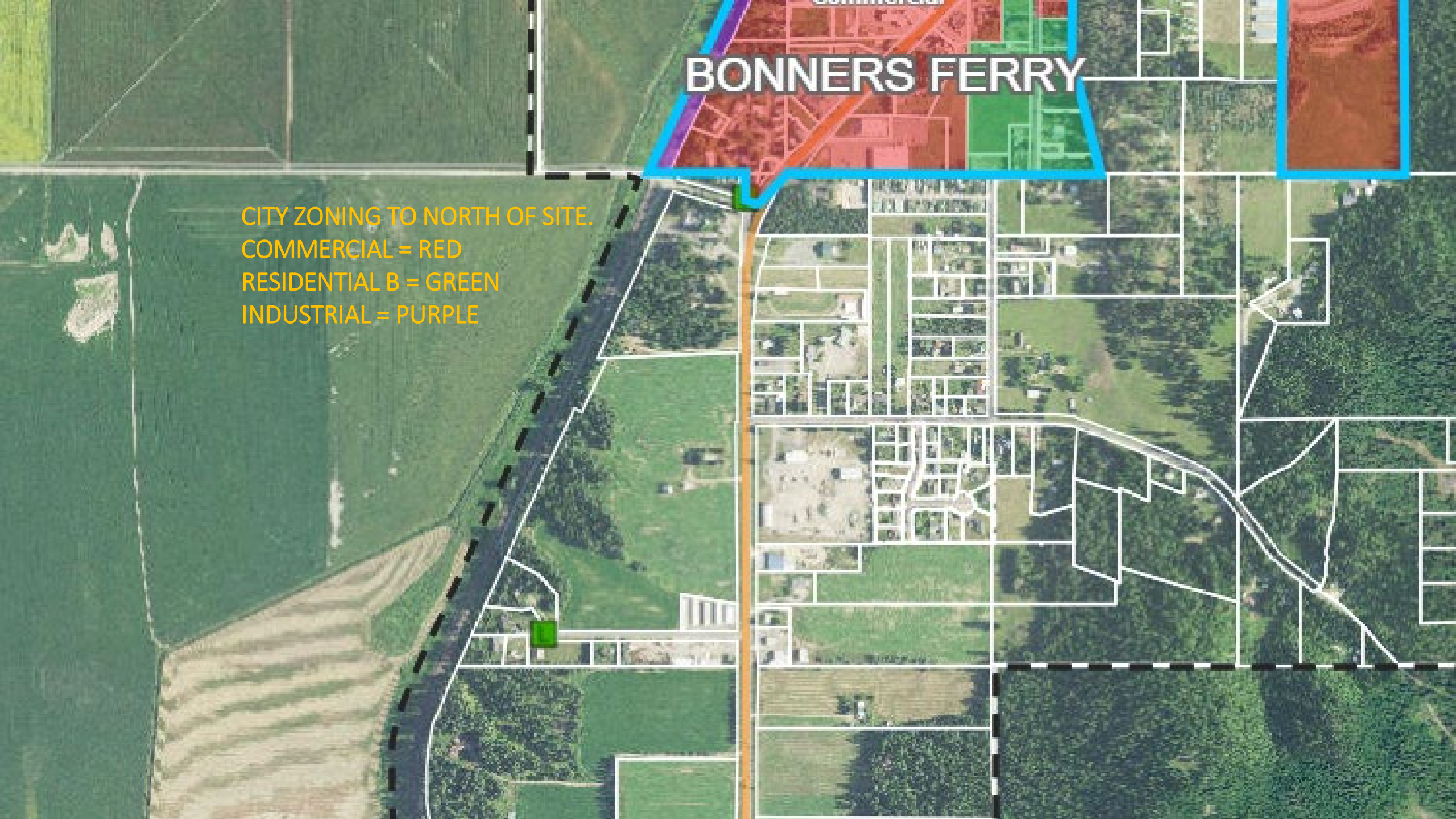
SUBJECT LANDS

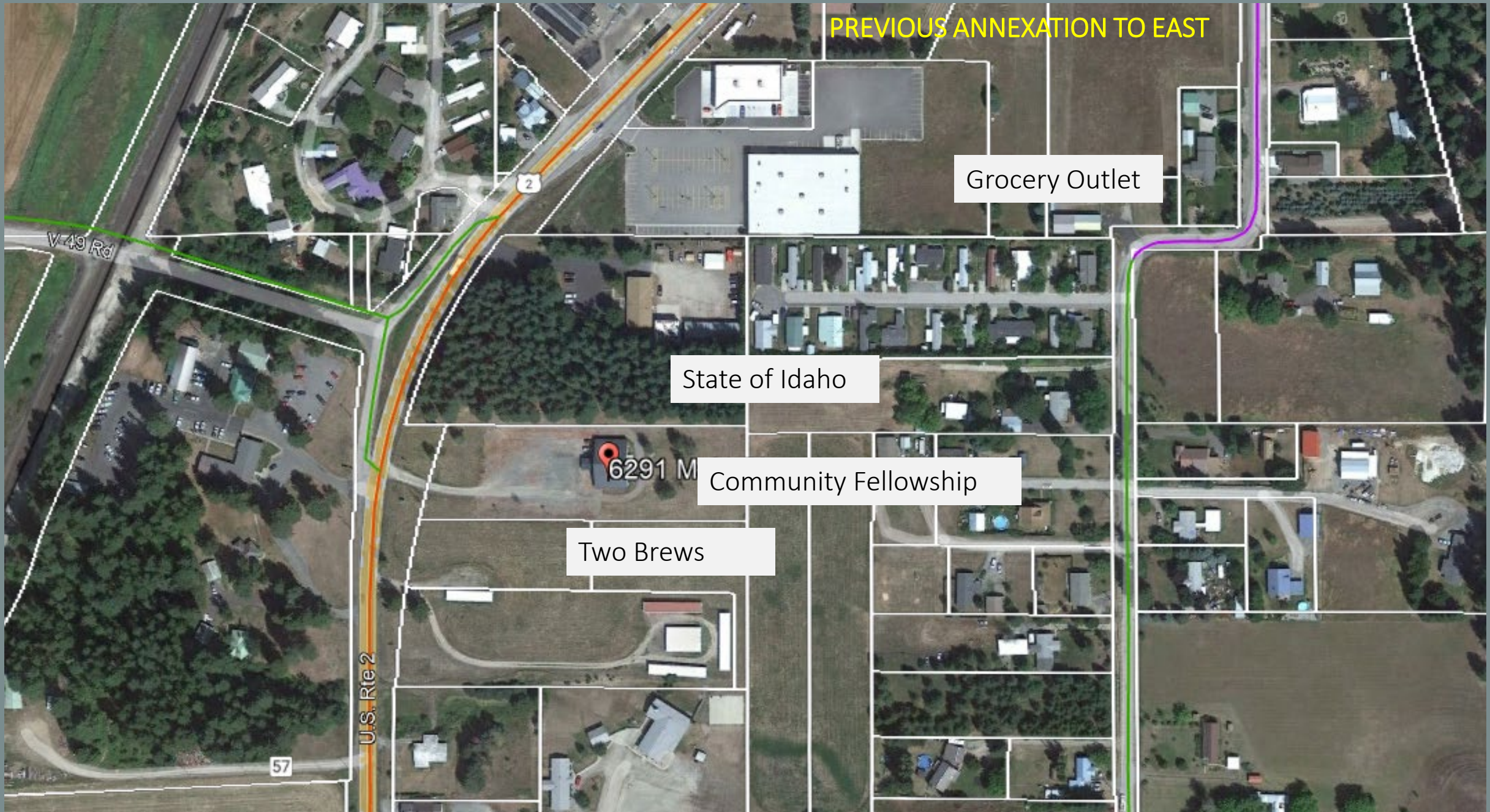
Wendel St

20

BONNERS FERRY

CITY ZONING TO NORTH OF SITE.
COMMERCIAL = RED
RESIDENTIAL B = GREEN
INDUSTRIAL = PURPLE





PREVIOUS ANNEXATION TO EAST

Grocery Outlet

State of Idaho

6291 M
Community Fellowship

Two Brews

W 49 Rd

2

U.S. Rte 2

57



USFS

Poston/Wendel

Wendel Rd

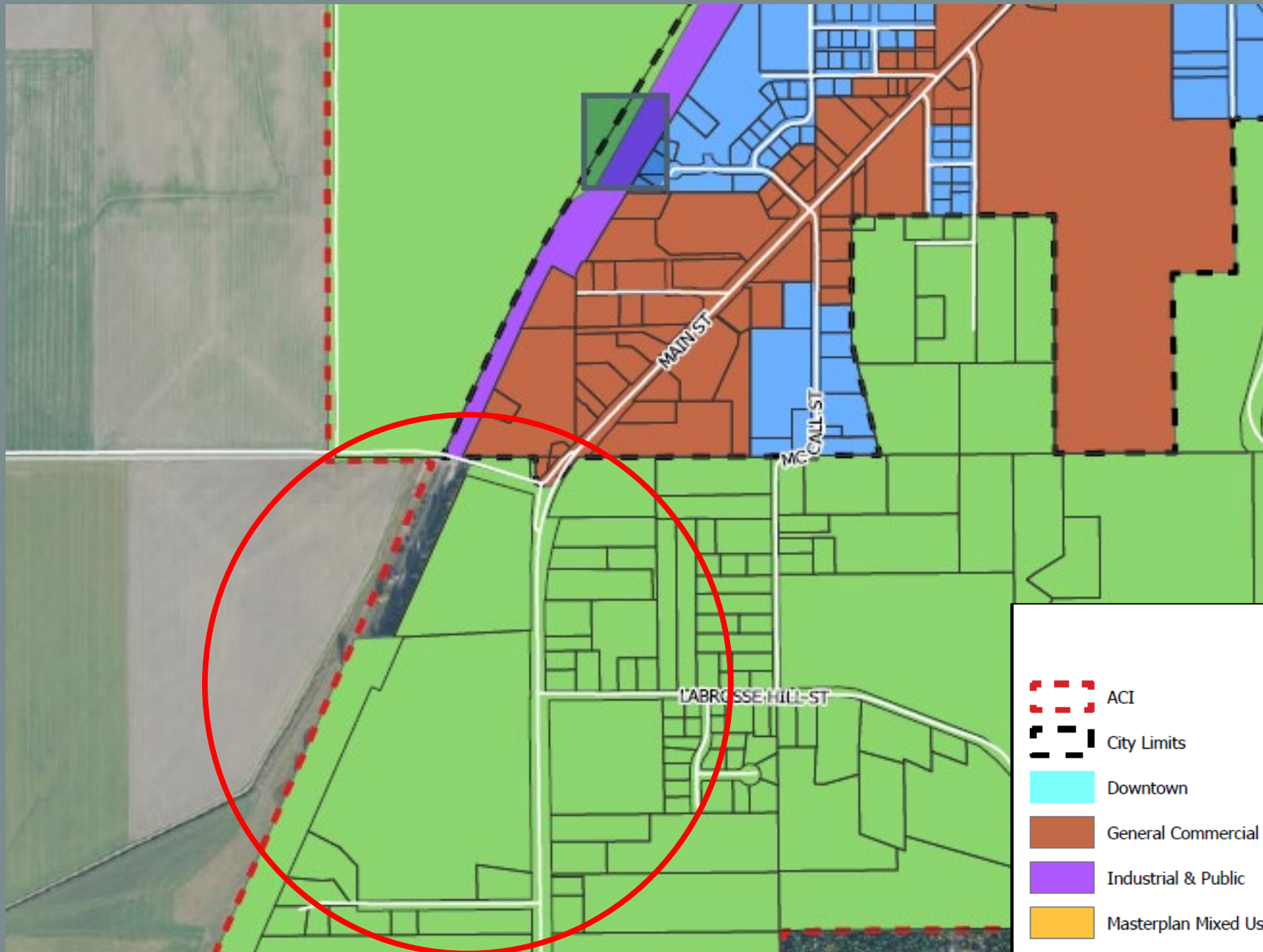
















Poston/Wendel

USFS

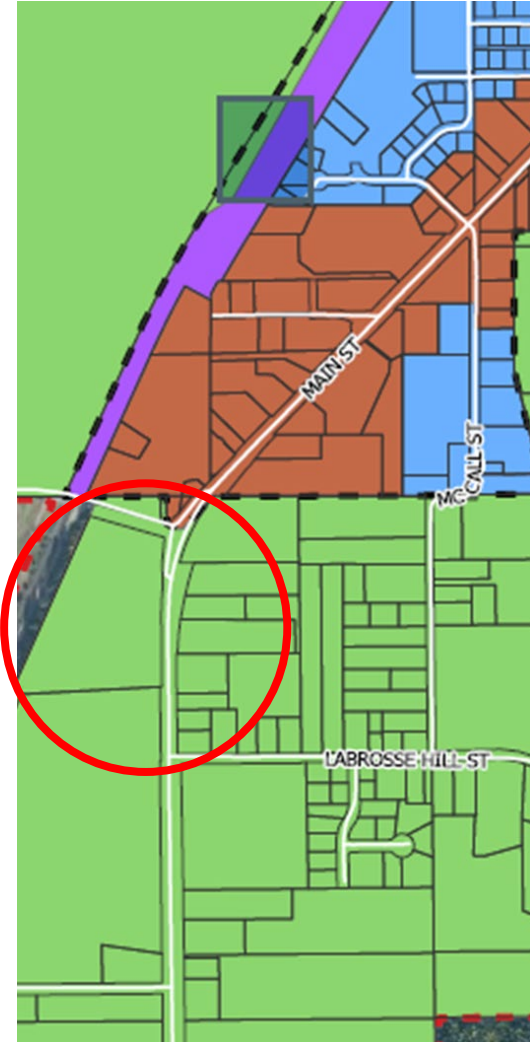




Legend

 ACI	 Residential Medium Density
 City Limits	 Medical Commercial
 Downtown	 Neighborhood Transition
 General Commercial & Mixed Use	 Residential Single Family
 Industrial & Public	 Residential Low Density
 Masterplan Mixed Use	 Rural

COMMERCIAL CLASSIFICATIONS



GENERAL COMMERCIAL & MIXED USE COMP PLAN

Characterized by a **broad mix of retail, general service, professional office, school facilities, multifamily development & mixed uses.** Transportation connections deemed important for new & expanded development.



COMMERCIAL ZONING

To accommodate the location of **new businesses and encourage further expansion of business** in the municipal limits. To also establish areas in the municipal limits for future business growth.

RESIDENTIAL B

- **11-2-1: DISTRICTS ESTABLISHED; PURPOSES AND RESTRICTIONS:**

- The following zoning districts are hereby established. For the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:
 - A. (AA) Residential AA District: To provide for single-family residences.
 - B. (A) Residential A District: To provide regulations for a more mixed use in a residential area.
 - C. (B) Residential B District: To provide regulations for a mixed use such as in a residential A area, except for allowing animal units per the following standards, which may be maintained in buildings or enclosures. The buildings or enclosures for housing such animals and housekeeping measures shall meet the sanitary standards of section [5-3A-6](#) of city code.
- (LIST OF ALLOWED AND PROHIBITED LIVESTOCK USES FOLLOWS, BASED ON ANIMAL UNITS AND MAXIMUM NUMBERS PERMITTED)

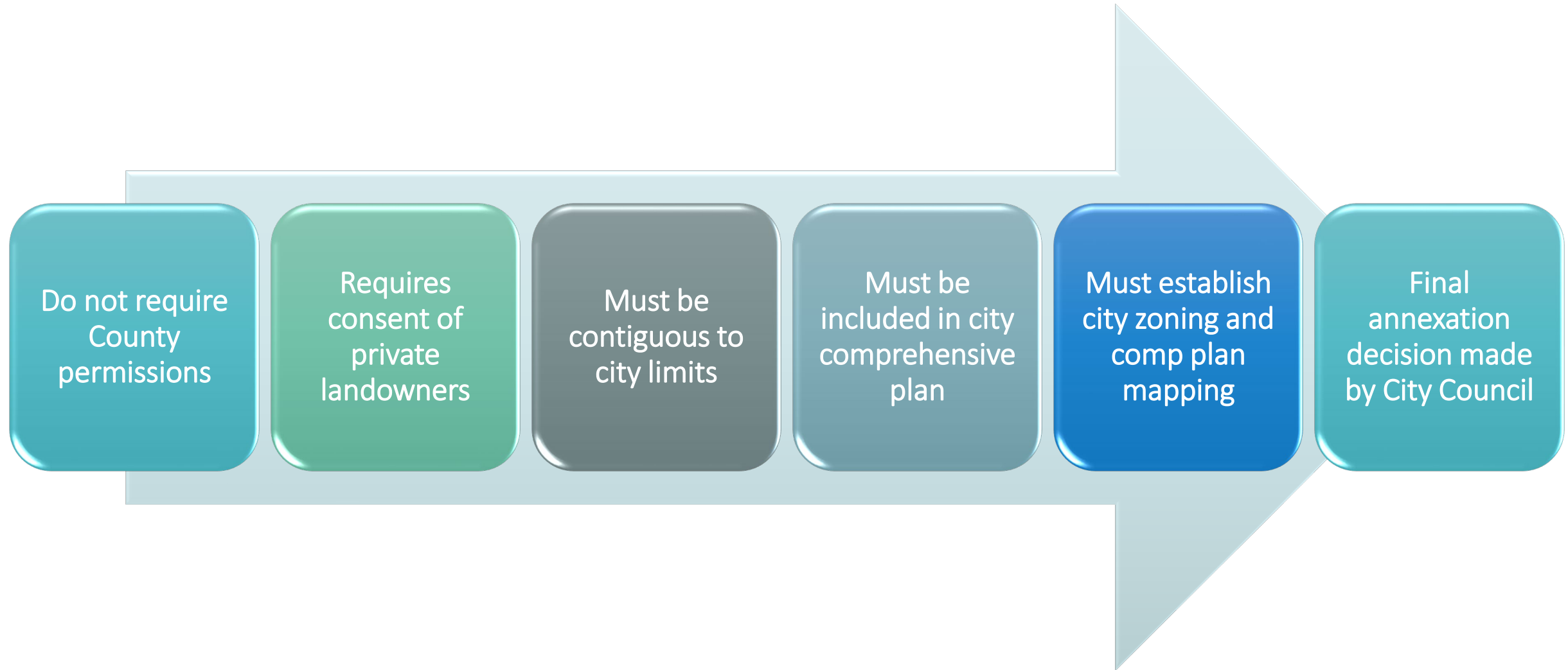
STANDARDS OF REVIEW

- BASIS FOR DECISION IS WHETHER REZONE AND COMP PLAN MAP AMENDMENT IS IN ACCORD WITH ADOPTED POLICIES OF CITY COMPREHENSIVE PLAN
- SUMMARY OF SECTIONS OF COMP PLAN PAGES 6-7 OF STAFF REPORT.
- ANALYSIS BASED ON NEW COMP PLAN & MAP
- DESCRIPTION OF DESIGNATIONS ON PAGE 5

AGENCY REVIEW & PUBLIC COMMENT

- AGENCY REQUEST FOR COMMENT SENT 3/23/23 TO CITY UTILITIES; ADMINISTRATION; ENGINEERING; IDAHO TRANSPORTATION DEPARTMENT; STREETS AND FIRE DEPARTMENT.
- CITY REVIEWED SERVICE CONNECTIONS, EXTENSIONS AND AVAILABILITY
- NO OTHER AGENCY COMMENTS
- NO WRITTEN PUBLIC COMMENT
- TESTIMONY AT P&Z HEARING: NOT IN OPPOSITION ONCE IT WAS EVIDENT ANNEXATION WAS VOLUNTARY

Annexation process in Idaho – Voluntary Category A



DRAFT MOTIONS

MOTION TO APPROVE:

I move to approve File #AN06-23, to annex the subject lands, designate them as “General Commercial & Mixed Use” on the comprehensive plan Future Land Use Map, and zone the lands as Commercial for the U.S. Forest Service land and adjacent rights-of-way and Residential B for the Poston/Wendel lands and adjoining rights-of-way, finding that it is in accord with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan, based upon the findings as recommended by the Planning and Zoning Commission and listed in the staff report. I further move to direct staff to prepare the final documents for consideration by City Council, to complete the annexation.

MOTION TO CONTINUE:

I move to continue files #AN06-23 to (date/time/place) to (insert reason for continuance).



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 • Fax: 208-267-4375

STAFF REPORT BONNERS FERRY CITY COUNCIL ANNEXATION REQUEST, FILE #AN06-23 U.S. FOREST SERVICE, GLENDA POSTON/ROBERT WENDEL & PUBLIC RIGHTS-OF-WAY

- Prepared by:** Clare Marley, AICP
Contract City Planner, Ruen-Yeager & Associates, Inc.
- Project Description:** The City of Bonners Ferry is sponsoring the annexation into the City of Bonners Ferry of two parcels and adjoining public rights-of-way, located south of the city limits and fronting on U.S. Highway 95. The properties total about 42.3 acres, plus adjacent public rights-of-way. The land is owned by the Idaho Department of Transportation and Boundary County (public rights-of-way), the U.S. Forest Service, and Glenda Poston/Robert Wendel. The properties are located in Section 4, Township 61 North, Range 1 East. The City proposes these lands be designated General Commercial and Mixed Use on the Comprehensive Plan Future Land Use Map and be zoned Commercial for the U.S. Forest Service land and adjacent right-of-way, and Residential B for the Poston/Wendel lands and adjoining rights-of-way. The Commercial District allows a mixture of housing, retail, service, and office uses. Residential B allows single-family and duplex housing, home-based businesses, and the keeping of livestock. The Planning and Zoning Commission recommended to City Council approval of the mapping amendments following its June 15, 2023, public hearing.
- Location:** The subject land is located in Section 4, Township 61 North, Range 1 East, Boise Meridian, south of the north line of Section 4 and south of the city limits.
- Parcel Sizes:** Approximately 42.3 acres, plus adjacent rights-of-way
- Applicants/
Property Owners:** U.S. Forest Service; Glenda Poston, Robert Wendel, Idaho Transportation Department, Boundary County
- Applicant's
Representative:
Application Filed:** The City of Bonners Ferry is sponsoring this annexation
February 14, 2023

Notice Provided: Mailed to landowners w/in 300' & taxing districts: 5/26/23 (P&Z)
Site Posted: 6/3/23
Newspaper publication: 5/24/23

Hearing Dates: Planning and Zoning: June 15, 2023
City Council: Meeting, July 18, 2023

Packet Information: Annexation application, legal notice, annexation petitions

P&Z Recommendation: Approval of comprehensive plan Future Land Use map and zoning map amendment on a unanimous vote.

Aerial of subject area



APPLICABLE STATE AND CITY CODES/PROCEDURES

Idaho Code §50-222, Annexation by Cities, provides the procedures for annexations. Paragraph 5(a) of this section grants authority for the cities to initiate planning and zoning procedures to provide a comprehensive plan map designation and zoning classification. The law requires the cities to follow the public noticing procedures of the Local Land Use Planning Act, Title 67, Chapter 65. Cities have the authority to annex state and federal land, but the annexation into the city limits does not alter the state and federal rights granted by state and federal laws to govern their own lands. As a general rule, local land use laws are pre-empted by state and federal governments.

Idaho Code §67-6509, Recommendation and Adoption, Amendment, and Repeal of the Plan, and §67-6511, Zoning Ordinance, require at least one hearing be conducted on the request to amend the plan and zoning map. At least 15 days prior to the hearing, notice shall be given to the political subdivisions within the jurisdiction, the school district, and airport manager. In addition, notice must be provided to the media and posted on available city websites. For the zoning map amendment, notice shall be given at least 15 days prior to the hearing to all landowners within 300 feet of the subject property. The governing bodies shall analyze the requested zoning district map amendment and ensure it is not *"in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction..."* The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council may conduct at least one public hearing, in addition to the Commission decision, after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

Bonnors Ferry City Code §11-1-2 (I), Annexation Prerequisite, requires the Planning and Zoning Commission recommend to City Council a comprehensive plan map designation and zone change for the area proposed for annexation.

Bonnors Ferry City Code §11-6-1, et seq., establishes the public hearing process for zoning map amendments. The Planning and Zoning Commission shall make the recommendation to Council, and the Council may require a public hearing before making the final decision.

I. PROPERTY INFORMATION:

1. Site acreage: ±42.3 acres, plus rights-of-way
2. Access: U.S. Highway 95, Wendel Road, Pine Island Road
3. Services: The annexation could allow the city to extend water and sewer services to the properties.
4. Surrounding uses and zones:

Compass	Comp Plan Designation	Current Zoning	Uses/Densities
Sites	Residential (County)	Residential (County)	U.S. Forest Service, rural/agricultural land & structures
North	General Commercial & Mixed Use	Commercial	Residential/commercial
South	Residential (County)	Residential (County)	Residential homesites, light commercial/storage
East	Residential - (County)	Residential - (County)	Residential homesites
West	Rural Residential - (County)	Rural Residential (County)	Railroad, agricultural uses, rural residential

II. PROJECT OVERVIEW/SUMMARY

The annexation of the private property and Bonners Ferry Ranger District office complex and public rights-of-way are owned by the U.S. Forest Service, Glenda Poston/Robert Wendel, the State of Idaho, and Boundary County (public). The land is located south of the current Bonners Ferry city limits and west of adjacent U.S. Highway 95. The annexation application calls for all to be designated General Commercial & Mixed Use on the Future Land Use Map and be zoned Commercial for the U.S. Forest Service land and adjacent highway. The Poston/Wendel property is proposed for Residential B zoning.

Uses adjoining these properties vary, with a mix of residential and commercial to the north, public offices, a church, and developing commercial uses to the east, residential and light commercial to the south, and railroad right-of-way and rural/agriculture lands to the east. There is no proposed development/annexation agreement accompanying this request, according to the city. Landowners Poston and Wendel have signed petitions agreeing to annexation. The city is not required to seek annexation consent from the federal government.

The annexation is being considered by the city under the "Category A," or voluntary annexation process covered by Idaho Code §50-222, "Annexation by Cities." Voluntary annexations require:

- Consent by landowners, which the city has obtained. The city planner visited with the U.S. Forest Service officials in person and via email regarding the proposed annexation.
- Contiguous or adjacent. The city limits touch the northern corner of the subject land on the west side of the highway. All properties as a unit of land under this application are contiguous to the city limits.
- Be within the Area of City Impact (ACI) or included in the comprehensive plan. The land is located within the Bonners Ferry ACI and is designated as "Rural" in the new Bonners Ferry Future Land Use Map.

Idaho Code and Bonners Ferry City Code require the subject land be given a Future Land Use Map (comprehensive plan map) designation and be assigned a zoning district prior to annexation. As the sponsor of the annexation, the City is requesting the lands be designated General Commercial & Mixed Use on the Comp Plan Map and be zoned Commercial for the USFS land and Residential B for the Poston/Wendel land.

III. AGENCY COMMENTS

Affected agencies gathered April 4, 2023, at City Hall to review applications for four different pending annexations that are all voluntary. The City reviewed the logistics of future services. In addition, the city planner sent a request for agency comment March 23, 2023. No further comments were provided by agencies.

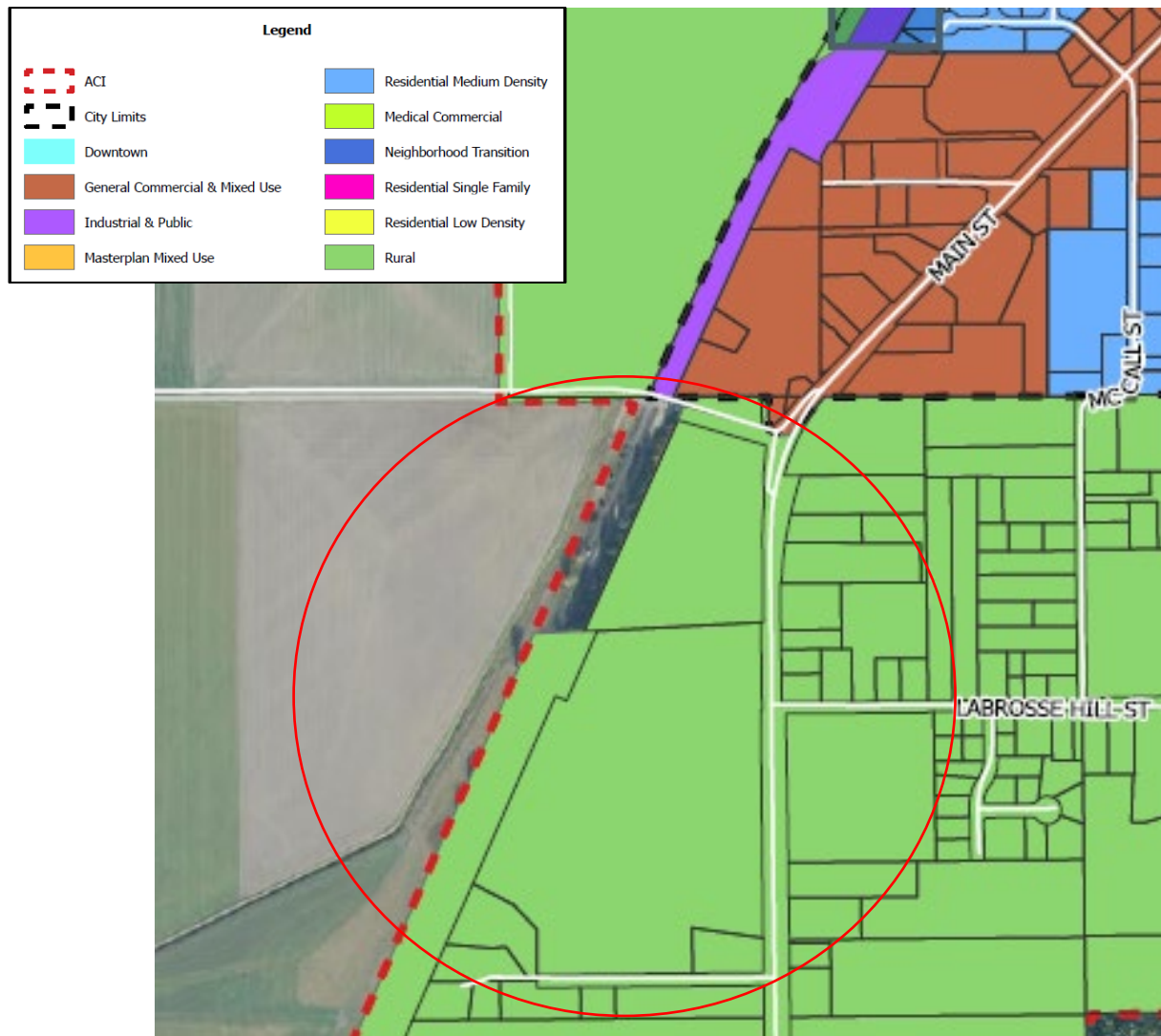
A report on the impacts of annexation to the city is not required for voluntary (Category A) annexations.

IV. PUBLIC COMMENTS

No written public comments had been received to the record at the time of this report. One individual, William Leach, commented at the Planning and Zoning Commission hearing, noting that he was not concerned with the annexation once he learned that it was voluntary.

V. ANALYSIS

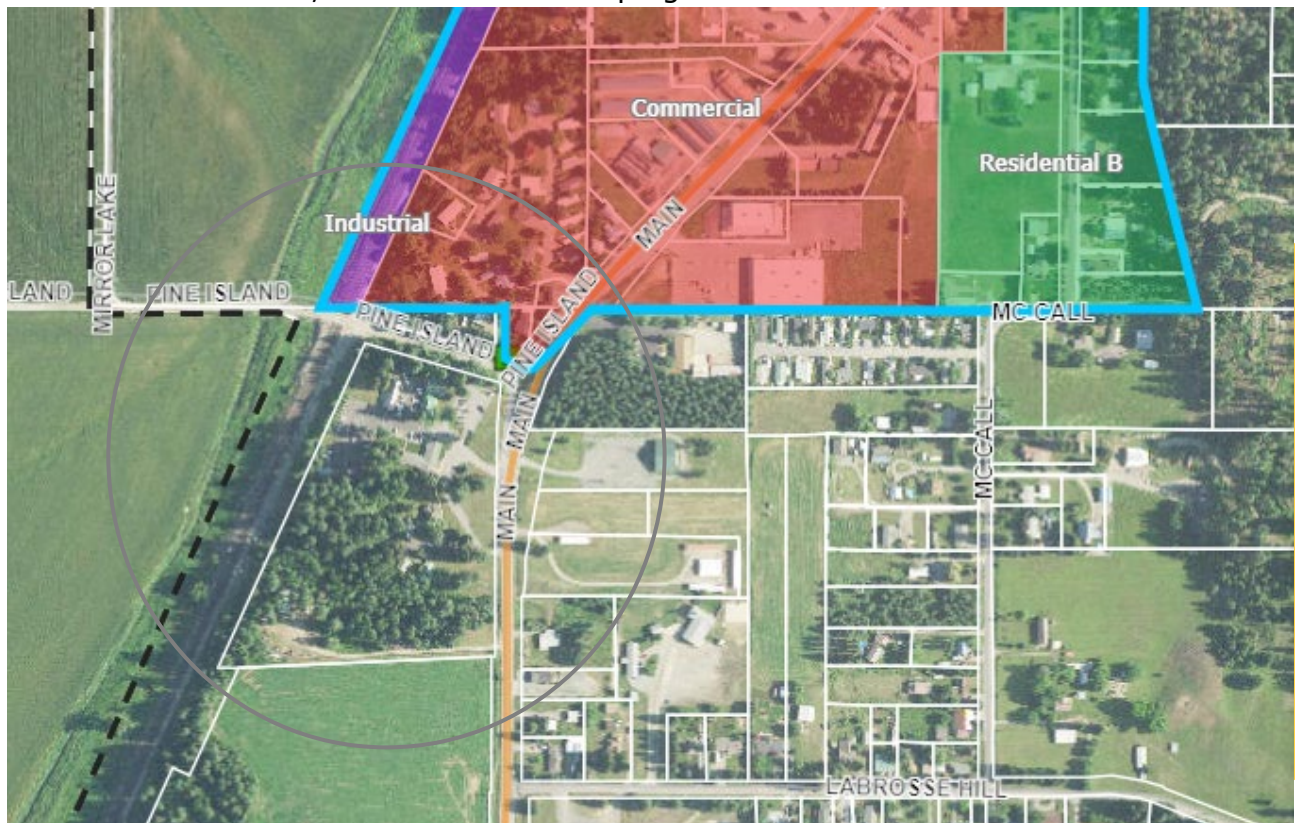
The General Commercial and Mixed Use comprehensive plan map designation is proposed for all properties. This map designation allows the greater latitude for future and existing development. This designation differs from the Rural designation on the new Future Land Use Map. Rural (green on the map below) is designated for all lands outside of the city limits but within the Area of City Impact. The City recognizes that the comprehensive plan map could be adjusted upon annexation of lands, when specific uses and lands can be analyzed. Idaho's annexation laws require that zoning and comp plan designations be assigned upon annexation. The City of Bonners Ferry General Commercial & Mixed Use designation is characterized by a broad mix of retail, general service, professional office, school facilities, multifamily development and mixed uses. Transportation connections are deemed important considerations for new and expanded development in these areas. Inclusion of the rights-of-way in the annexation address the ability to provide transportation connections for any future development.



Comprehensive Plan Future Land Use Map

1. Zoning: As a prerequisite to annexation, a zoning district must be assigned by the City. Consideration of any amendment to the City zoning map requires confirmation by the governing bodies that the proposed zone is in accord with

the policies of the adopted comprehensive plan. The USFS land adjoins Commercial areas of the City to the north, as seen in the copy of a portion of the zoning map below. The City requests the Commercial zoning district for the USFS property. The Commercial designation is fitting for the existing U.S. Forest Service Ranger District because Table B of the zoning code permits government offices in the Commercial, Industrial, and Residential B zones. As noted earlier, the federal government has certain rights to develop and use its properties regardless of jurisdictions and zoning. Commercial zoning requires a minimum 5,000 square feet of land area and allows uses such as a variety of housing options, services, retail, professional offices, restaurants, government facilities, and medical facilities, as detailed in Appendix B, table of uses. The zoning for the remaining property is proposed to be Residential B, which allows single-family, duplex, and accessory dwellings, home-based businesses, and the limited keeping of livestock.



CITY ZONING IN THE VICINITY

2. A summary of the adopted comprehensive plan policies from Section 1.7 and 1.8, and Property Rights, as they relate to annexation and future zoning are as follows:
 - i. **Protect and enhance the welcoming and friendly feel of Bonners Ferry.**
 - ii. **Maintain and improve the small-town scale, charm, and natural beauty of Bonners Ferry.** *Included policies encourage interconnected streets and pedestrian-oriented development. The annexed lands would include existing public rights-of-way, to allow the city to integrate future development with existing and proposed transportation connections.*

- iii. **Enhance attainable housing opportunities for residents of all ages, incomes, and abilities while protecting the character of established neighborhoods.** *The Commercial zoning district offers a variety of housing types. The existing uses are government office, public rights-of-way, and rural/residential land and structures. The Residential B zone includes options for single- and two-family housing and accessory dwelling units.*
- iv. **Protect cherished scenic, recreational, and natural resources in the surrounding area for present and future generations while ensuring fiscal resiliency in the provision of services.** *These lands include a government office complex and rural/residential properties.*
- v. **Provide publicly accessible scenic recreational amenities along the Kootenai River.** *The properties front on U.S. Highway 95 and do not have access to the Kootenai River.*
- vi. **Create usable, safe, and comfortable travel routes for non-drivers throughout the city, including for seniors and children.** *There are no specific development plans for the property, and future proposal would be required to address pathways and connections.*
- vii. **Increase connectivity and safety for all modes of travel, while decreasing vehicular congestion, especially on U.S. 95.** *The annexation will enhance opportunities for transportation connections along the highway. According to the application, the city recently entered into a maintenance agreement with ITD on maintenance of the pedestrian facilities to Labrosse Hill Road. By annexing these properties, it allows for landowners who are receiving city services south of Wendel Road to be eligible to annex into the city once they are ready to do so. Furthermore, lands that are ready for development on the east side of the road, south of Labrosse Hill may also consider future annexation once the property owners are ready to consent.*
- viii. **Further the creation of welcoming, walkable, and inviting corridors along Highway 95.** *Corridor pathway creation and maintenance as part of the U.S. 95 widening project is planned. The annexation considerations include the highway, Pine Island Road and Wendel Road.*
- ix. **Realize the full potential of historic downtown Bonners Ferry as the city center for dining, shopping, and community events.** *The site is not within the downtown area.*
- x. **Protect livability and the health of Bonners Ferry residents by maintaining clean air, soils, and water quality by minimizing pollution, including light and noise pollution.** *Site-specific standards, such as stormwater controls, will be addressed at the time of development.*
- xi. **Maintain and improve the provision of high-quality, affordable, and efficient community services.** *Fiscal impacts and service impacts of existing services that result from annexations are to be examined. City water, electricity, and sewer services could be available in the lands, and would be extended, with proper plans and utility applications. The application states: if the landowners request, petition, or consent to annexation, the city will seek to bring them into the city limits so that development can occur in a fiscally*

responsible way, as well as follow urban development standards instead of the county's requirements. By annexing these properties, it allows for landowners who are receiving city services south of Wendel Road to be eligible to annex into the city once they are ready to do so. Furthermore, lands that are ready for development on the east side of the road, south of Labrosse Hill may also consider future annexation once the property owners are ready to consent.

- xii. Provide and support parks and recreational opportunities for Bonners Ferry residents year-round and on pace with growth.** *The annexation does not contemplate additional city park or recreation facilities.*
- xiii. Grow and sustain a balanced, resilient economy for Bonners Ferry, providing community prosperity and fiscal health.** *This section calls for support of new and existing businesses through appropriate regulations. Land use patterns that support sufficient tax base are encouraged. The lands proposed for annexation are developed with a government office complex (USFS Ranger District office). The remaining land consists of a large, open field and rural/residential structures.*
- xiv. Maintain and enhance community safety and resiliency.** *The sites are not within a floodplain, known mudslide area, steep slopes, or watershed areas.*
- xv. The City of Bonners Ferry supports and respects private property rights.** *The owners of the subject private properties have voluntarily agreed to the proposed annexation.*

DRAFT MOTIONS:

Annexation, Comp Plan and Zoning Map Amendments

Motion to Approve: I move to approve File #AN06-23, to annex the subject lands, designate them as "General Commercial & Mixed Use" on the comprehensive plan Future Land Use Map, and zone the lands as Commercial for the U.S. Forest Service land and adjacent rights-of-way and Residential B for the Poston/Wendel lands and adjoining rights-of-way, finding that it **is in accord** with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan, based upon the findings as recommended by the Planning and Zoning Commission and listed in the staff report. I further move to direct staff to prepare the final documents for consideration by City Council, to complete the annexation.

Motion to Continue: I move to continue this File #AN06-23 to [date, time, place] to allow [state reason for continuation].

VI. DRAFT FINDINGS

1. The subject property is contiguous to the southern city limits of Bonners Ferry.
2. The owners of the subject private property have submitted signed affidavits consenting to annexation.
3. The land is within the Bonners Ferry Area of City Impact.
4. The land is designated as Rural on the City of Bonners Ferry Future Land Use Map and as Residential on the Boundary County Comprehensive Plan Map.
5. The land to the north includes Commercial zoning and a mix of residential and commercial uses.

6. The Commercial district permits a variety of housing options, professional offices, schools, services, and a variety of retail and commercial uses.
7. The Residential B zone allows for single- and two-family housing and accessory dwelling units.
8. The city does not require impact fees or development fees for annexed lands. Any services to individual lots are required to be paid by landowners seeking services.
9. The site contains the U.S. Forest Service Bonners Ferry Ranger District office and private rural residential land.
10. The site is bounded by U.S. Highway 95 to the east, Wendel Road to the south, and Pine Island Road to the north.
11. The site is not within a floodplain, steep slopes, or historic mud slide areas.

VII. CONDITIONS OF APPROVAL

1. The annexation shall be complete upon adoption of an ordinance by the City Council.
2. Upon annexation, the City will amend the official zoning map to reflect a zone district of Commercial for the U.S. Forest Service lands and adjoining rights-of-way and Residential B for the Poston/Wendel property and adjoining rights-of-way.

Federal Lands Access Program Project Memorandum of Agreement

Project / Facility Name: ID BOUNDARY 5806(2), Riverside Road Improvement/Enhancement Project

Project Route: Riverside Road

State: IDAHO

County(ies): BOUNDARY

Owner of Federal Lands to which the Project Provides Access: United States Fish and Wildlife Service (FHW), United States Forest Service (FS), and United State Bureau of Land Management (BLM).

Entity with Title or Maintenance Responsibility for Facility: City of Bonners Ferry

Type of Work: The project is to include:

- Preliminary Engineering including environmental surveys and studies to support the engineering design package.
- National Environmental Policy Act (NEPA), including environmental studies to support a NEPA decision
- Contract Administration
- Construction Engineering and Construction

This Agreement does not obligate (commit to) the expenditure of Federal funds nor does it commit the parties to complete the project. Rather, this agreement sets forth the respective responsibilities as the project proceeds through the project development process and construction.

This agreement replaces Federal Lands Access Program Match Agreement dated 2/14/2020 between FHWA-WFL and City of Bonners Ferry.

Parties to this Agreement: City of Bonners Ferry (City) and Federal Highway Administration, the Western Federal Lands Highway Division (FHWA-WFL).

The Program Decision Committee approved this project change on 03/29/2023.

AGREED:

City of Bonners Ferry

Date

Western Federal Lands Highway Division, FHWA-WFL

Date

A. PURPOSE OF THIS AGREEMENT:

This agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and continued maintenance of the subject project. The purpose of the agreement is to identify and assign responsibilities for Project Development, Contract Advertisement, and Construction Administration as appropriate for this project, and to ensure continued maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

If Federal Lands Access Program (FLAP) funds are used for the development or construction of this project, the City of Bonners Ferry agrees to provide a matching share equal to 7.34% of the total cost of the project, as detailed more fully in Section J below. When agency(cies) other than FHWA-WFL will be expending FLAP funds, the parties agree to execute a separate obligating document. No reimbursement will be made for expenses incurred prior to execution of the obligating document.

B. AUTHORITY:

This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204

C. JURISDICTION AND MAINTENANCE COMMITMENT:

City of Bonners Ferry has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION:

City of Bonners Ferry has coordinated project development with the United States Fish and Wildlife Service. The United States Fish and Wildlife Service support of the project is documented in the Project Proposal by endorsing the proposal.

Each party to this agreement who has a primary role in NEPA, design or construction should coordinate their activities with the USFS.

E. PROJECT BACKGROUND / SCOPE:

Background:

The proposed project is on Riverside Road, beginning at approximate Milepost (MP) 5.9 and would end at approximate MP 9.6. This project is located at approximate coordinates:

Start 48° 41' 50.77" N, 116° 18' 57.53" W

End 48° 41' 37.17" N, 116° 19' 50.82" W

The overall purpose of this project is to rebuild and widen the paved surface of the roadway, including a widened shoulder towards the river side of the road to accommodate the multiple motorized uses of the road as well as bicycle and pedestrian traffic and to better connect people to the river.

The project will complete an important 0.7-mile multi-modal corridor for Riverside Road, beginning at the intersection of 4th Street in Bonners Ferry and connecting with the Boundary County Riverside Road project (ID Boundary 5806(1)) on the west end of the project. There will be one stretch on the west end of the project where the widened shoulder separates from the roadway and continues as a path which runs under the utility bridge to avoid conflicts with the bridge itself. The path will continue across the boat ramp parking lot, before reconnecting with the roadway near the western end of the project. This project will serve to connect citizens and visitors to the trail system and federal lands for recreational purposes.

Scope:

The overall design concept includes widening on either side of centerline, depending on right-of-way and slope setback requirements, to construct a minimum of 11-foot lanes with a 4-foot paved shoulder to the south and an 8-foot-wide paved shoulder on the north to better accommodate bicycles and pedestrian traffic (total section of 34 feet).

The widened shoulder diverts from the road approximately 500 feet east of the County boat launch on an independent alignment traversing under the cable-stayed utility bridge to avoid conflict with the bridge itself. Beyond this diversion point, the roadway section will transition to tie-in to the new road cross-section for the adjacent Riverside Road project (two 11-foot lanes and two 5-foot paved shoulders).

The new asphalt pavement section is proposed to include 12 inches of sub-base, 4 inches of aggregate base course and a 4-inch asphalt surface for the entire length of the project.

A Pedestrian Railing is provided along the south shoulder at locations adjacent to steep slopes leading to the river. This railing, while aesthetic in nature, also serves to provide some protection for pedestrians against the drop-off.

In locations with ROW constraints to the south, an MSE Wall is provided to allow for widening the roadway to the north (along the river).

F. PROJECT BUDGET:

This is the anticipated budget for the project based on information developed to date. Federal Lands Access Program funds in conjunction with matching funds provided by City of Bonners Ferry (City) will fund this project.

Item	Total	Comments
Preliminary Engineering including scoping and NEPA (PE)	\$700,000	Verify at preliminary phase and update as needed.
Construction (CN)	\$4,223,458	Verify at preliminary phase and update as needed.
Construction Engineering (CE)	\$680,000	Verify at preliminary phase and update as needed.
Construction Modifications (CM) Contingency	\$422,000	Reserved for construction phase.
TOTAL	\$6,025,458	

G. ROLES AND RESPONSIBILITIES:

City of Bonners Ferry (City)

- Will appoint a representative who will be the primary contact for FHWA-WFL’s Project Manager
- Will provide appropriate match to all FLAP funds expended on the project even if the project is terminated prior to completion
- Acquire any rights-of-way and / or easements necessary to complete the project.
- Upon completion of construction, a final inspection will be convened by FHWA-WFL with attendees from City of Bonners Ferry, and if it is determined the project has been constructed in substantial conformity with approved plans and specifications, GHD will provide written confirmation of its acceptance of the constructed project.

FHWA-WFL

- Will provide project management and lead project development.
- Will be responsible for FHWA decisions that may not be delegated.
- Will lead environmental surveys required to reach an FHWA NEPA decision document.
- Will develop 30% Design, 70% Design and Final (95%) contract packages for review and comment.
- Development of the project solicitation (100%) package.
- Provide GHD with construction impact limits and drawings for any right-of-way, easement, or right-of-entry needed for construction.

- Provide ROW survey, legal descriptions/exhibits, and offer packages for City of Bonners Ferry use in acquiring right of way.
- Advertise, award, and provide on-site project engineer and inspection staff to administer construction contract.
- If utility relocation work is required, will identify utilities in conflict with the proposed project and prepare documents needed to coordinate relocation work. WFL will be responsible for utility coordination and providing certification that arrangements have been made to relocate affected utilities.
- Will coordinate with partners on contract modifications during construction.

H. ROLES AND RESPONSIBILITIES – MILESTONE SCHEDULE:

Responsible Lead	Product/Service	Schedule Start/Finish
FHWA-WFL	Kickoff	June 2023
FHWA-WFL	30% Design	Anticipated Spring 2024 (TBD)
FHWA-WFL	70% Design	Anticipated Winter 2025 (TBD)
FHWA-WFL	NEPA documentation	Anticipated Winter 2025 (TBD)
FHWA-WFL	NEPA Decision	30 days after complete & satisfactory documentation is provided
FHWA-WFL	95% PS&E	Anticipated Summer 2025 (TBD)
FHWA-WFL	Advertise/Award	TBD – current programming is for FY2027
FHWA-WFL	Construction	TBD – current programming is for FY2027

I. PROPOSED DESIGN STANDARDS:

Preferred design alternatives will be determined through the NEPA process.

Criteria		Comments
Standard	Roadway Design Manual AASHTO – A Policy on Geometric Design	
Functional Classification	Major Collector	
Surface Type	Asphalt	
Design Volume	740	

Design exceptions to standards, will be documented and sent to the City of Bonners Ferry for concurrence.

J. FUNDING:

The project is funded by the Federal Lands Access Program administered by FHWA-WFL, with matching funds provided by City of Bonners Ferry.

Funding Source	Amount	%	Comments
Federal Lands Access Funds	\$ 5,583,189	92.66%	
Local Matching Share (GHD)	\$ 442,269	7.34%	
Total Projected Costs	\$ 6,025,458		

K. MATCHING SHARE REQUIREMENTS:

The purpose of this section is to document the intent of GHD to meet its match requirement for the subject project as authorized under section 23 USC 201(b)(7)(B).

All FLAP expenditures associated with this project will need to be matched by a Non- Federal source, by other Federal funds other than those made available under Titles 23 and 49 of the United States Code, or by funds made available under 23 U.S.C. 202 and 203. The matching requirement under the FAST Act will be met by GHD.

City of Bonners Ferry has committed to the project. The forms of match shall be those consistent with the 'Federal-Aid Guidance Non-Federal Matching Requirements' and as approved by FHWA-WFL. In the state of Idaho, 7.34% of the total project cost.

This project is authorized to use a Tapered Match. Under this approach, the non-Federal match is imposed over the entire project rather than individual progress payments. Timing of all fund transfers are specified in the Funding Plan. Tapered Match is authorized because it will result in an earlier completion date.

Estimated costs and fiscal year (FY) for the funding are based on the best budgeting and scheduling information known at the time. The final match will be determined based on actual expenditures at the conclusion of project work. Matching cash funds in FHWA-WFL receipt may need to be supplemented, or returned, once actual expenditures are determined. As noted under Modifications, if costs increase over the amount within this agreement, FHWA-WFL will consult with the agency providing Match before granting approval.

Maintain all project records, including source documentation for all expenditures and in-kind contributions, for a period of three (3) years from the date of final acceptance. If any litigation

claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.

The following agencies have agreed to contribute the amounts shown which will reduce the federal share by the same amount. The Funding Plan is as follows:

Agency	Phase	Form	Due	Value	Comments
City of Bonners Ferry	PE	<i>IN-KIND</i>	07/01/2026	\$150,000	Anticipated City-owned electric Utility Relocation
City of Bonners Ferry	CN	<i>CASH</i>	05/01/2027	\$292,269	
Total due				\$442,269	

L. PROJECT TEAM MEMBERS – POINT OF CONTACT:

The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each party’s role and responsibility for this agreement.

NAME / TITLE	ORGANIZATION	TELEPHONE NO. / E-MAIL
Dave Sims, Director	Boundary Economic Development Council	208-304-2567, dsims@boundaryedc.com
Lisa Ailport, City Administrator	City of Bonners Ferry	208-267-4379 Lisa.Ailport@bonnersferry.id.gov
Wendy Schmidt, Project Manager	Federal Highway Administration-Western Federal Lands Highway Division	360-409-0101, wendy.schmidt@dot.gov
Kirk Loftsgaarden, Project Manager Branch Chief	Federal Highway Administration-Western Federal Lands Highway Division	360-619-7512, Kirk.Loftsgaarden@dot.gov

M. CHANGES / AMENDMENTS / ADDENDUMS:

The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; change that alter the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notifications to their management in order to avoid project delivery delays.

N. ISSUE RESOLUTION PROCEDURES MATRIX:

Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by any party. When an issue is resolved, the decision will be communicated to all levels below.

City of Bonners Ferry	FHWA-WFL	Time
David Sims, Economic Development Director	Wendy Schmidt, Project Manager	15 Days
Lisa Ailport, City Administrator	Kirk Loftsgaarden, Project Manager Branch Chief	15 Days

O. TERMINATION:

This agreement may be terminated by mutual written consent of all parties. This agreement may also be terminated if either the NEPA process or funding availability requires a change and the parties are not able to agree to the change. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. If Federal access funds have been expended prior to termination, the party responsible for the match agrees to provide a match in the applicable percentage of the total amount expended on the project prior to the termination.

